

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

MICHAEL T. WILLIAMSON,	:	
Plaintiff,	:	
vs.	:	Case No. 3:13cv00134
	:	District Judge Thomas M. Rose
CAROLYN W. COLVIN,	:	Chief Magistrate Judge Sharon L. Ovington
Acting Commissioner of the Social	:	
Security Administration,	:	
Defendant.	:	

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**REPORT AND RECOMMENDATIONS<sup>1</sup>**

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The Commissioner served and filed an Answer and a copy of the Administrative Record on July 29, 2013. (Docs. #5, 6). The Sixth Amended Magistrate Judges' General Order No. 11 Concerning Social Security Appeals required Plaintiff to file a Statement of Errors within 60 days thereafter. Plaintiff did not timely file his Statement of Errors, and the Court thereafter issued an Order to Show Cause on October 3, 2013 (Doc. #7) informing him that he was required to file a Statement or Errors or request an extension of time to do so on or before October 25, 2013. On October 24, 2013, Plaintiff timely responded to the Order to Show Cause by filing a motion seeking voluntary dismissal of his case. (Doc. #8). In his motion, Plaintiff indicates he is "[g]oing to reapply for SSI." (Doc. #8, PageID# 328).

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<sup>1</sup> Attached hereto is NOTICE to the parties regarding objections to this Report and Recommendations.

As Defendant filed an Answer on July 29, 2013, Plaintiff may only dismiss this case with a court order or by filing a stipulation of dismissal signed by all parties. Fed. R. Civ. P. 41(a)(1)(A)(i),(ii). In light of his decision to reapply for SSI, Plaintiff's Motion to Dismiss (Doc. #8) is well taken.

**IT IS THEREFORE RECOMMENDED THAT:**

Plaintiff's Complaint be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

October 29, 2013

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s/Sharon L. Ovington  
Sharon L. Ovington  
Chief United States Magistrate Judge

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(d), this period is extended to seventeen days because this Report is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), (E), or (F). Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within fourteen days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See, United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).